

REMARKS/ARGUMENTS

Claims 1-14 remain pending in this application and stand rejected.

Claim 2 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of copending Application No. 10/439,991. Claim 1 of the application is cited as being identical in scope to claim 1 of the copending application. Claim 1 is also provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claim 1 of copending Application No. 10/439,991. Applicants submit that Application No. 10/439,991 has been expressly abandoned, therefore rendering moot the rejections of claims 1 and 2 under double patenting.

Claims 3 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bishop (US Patent No. 4,589,140). Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop ('140) in view of Fukushima (US Patent No. 5,991,688). Claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop ('140) as applied to claim 3 and further in view of Yaroslavsky (US Pub No. 223/0118245). Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop ('140). Claims 1, 2, 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop ('140) in view of Yaroslavsky (US Pub No. 223/0118245). Claims 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop ('140) as applied to claim 11 further in view of Gilliland (US Patent No. 5,999,642). Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop ('140) in view of Gilliland (US Patent No. 5,999,642) as applied to claim 13 further in view of Fukushima ('688).

Applicant respectfully traverses these rejections for at least the reasons that follow. In rejecting claims 1, 3 and 8, the Examiner refers to Figures 2 and 3 of Bishop. However, in referring to these Figures, Bishop seeks to illustrate the problems that Bishop attempts to solve (column 3, lines 35-38; columns 4-8). More specifically, in columns 4-8, Bishop analyzes how a human observer might locate and distinguish defects in a sample. Bishop proceeds to state:

"The concept that in each case the field of view presented to the eye remains constant, but the amount of magnification and actual distances on the object have been blown up to fill the visual field of view, is an important concept within the context of the invention in preferred form." (column 4, lines 43-47).

Contrary to the Examiner's assertions, there is no disclosure in Bishop of two distinct imaging system, operating concurrently, with one performing a detection operation at a relatively low resolution, and another performing a review operation at a comparatively higher resolution, as recited, in part, in claim 1:

"detecting...through an imaging means using a relatively lower resolution imaging and positioning protocol; while concurrently reviewing....according to a relatively higher resolution imaging and positioning protocol...."

The detection operation, using a relatively lower resolution imaging, and a concurrent reviewing operation, using a relatively higher resolution imaging, are shown for example in Figs. 2A and 2B of the original disclosure and described in paragraphs 38 and 40 of the specification, and reproduced partly below for the Examiner's convenience:

"According to the invention, an inspection platform 10 (Figures 2A or 2B) is provided with a Defect Review Sub-System (DRS) 12 which comprises a plurality of substantially identical, comparatively higher resolution imaging optics and optical-to-electrical converters together forming a set of camera modules 14, 16, 18 that are capable of moving together, as on a gantry 20 along the length of the article to be inspected 22 in coordination with scanning motion of a Defect Detection Sub-system (DDS) 24....."(paragraph 38)

"During each such pass, the DDS 24 performs basic defect detection and classification where lists of defects and defect candidates are generated. These defect candidates are then queued for dynamic dispatching to be imaged by the DRS 12 at a comparatively higher resolution..." (paragraph 40)

Because, as best understood, Bishop uses the same apparatus at difference magnifications to obtain optical scans of an object (to acquire low and high resolutions thereof) Bishop fails to teach or suggest a system having a lower resolution imaging for detection, and another having a relatively higher resolution imaging for reviewing. Furthermore, because Bishop uses the same apparatus, Bishop fails to teach or suggest concurrent operations of "detecting..." and "reviewing..." as recited, in part, in claim 1. Claims 1 is thus allowable over Bishop for at least the above reasons. Claim 2 is dependent on claim 1 and is thus allowable for at least the same reasons as is claim 1. Claims 3, 9 and 11, and their respective dependent claims 4-8, 10, and 12-14 are also allowable for at least the same reasons as is claim 1.

Claims 4 and 5 are allowable over Bishop in view of Fukushima for at least the following additional reasons.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (MPEP § 2143). Applicants submit that no motivation exists to combine Fukushima with Bishop to arrive at claims 4 and 5 of the present invention. Bishop fails to disclose, among other elements "minimizing distance traveled by said defect review", as properly pointed out by the Examiner. Fukushima, on the other hand, is directed at route setting in a navigation system, and does not even mention "inspection of flat patterned media". Motivation to combine Bishop with Fukushima is simply lacking.

Claim 12 is allowable over Bishop in view of Gilliland for at least the following additional reason. Claims 12 and 13 are amended to recite, in part "said first and second moveable gantries adapted to move along a same direction". In contrast, in Gilliland, the first gantry can only move along AA' direction, and the second gantry can only move along the second direction. Accordingly, in Gilliland, the first and second gantries are not adapted to move

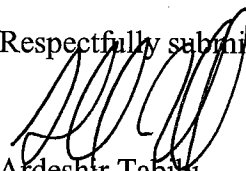
"along a same direction", as recited, in part, in amended claims 12 and 13. Claims 12 and 13 are thus allowable for this additional reason.

As stated above, claim 14 is allowable for at least the same reasons as is claim 1. Claim 14 is also allowable for at least the same reasons as is claim 13. Claim 14 is also allowable for at least the same for the same reasons as are claim 4, 5.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 752-2424.

Respectfully submitted,



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